UNITED STATES DEPARTMENT OF AGRICULTURE

Radio Service

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CURRENT FEATURES IN FOOD AND DRUG CONTROL:

A radio talk by Wendell W. Vincent, Chief, Western District, Food and Drug Administration, United States Department of Agriculture, delivered during the Western Farm and Home Hour Friday, April 7, 1933, through Station KGO and eight other stations associated with the Pacific Division, National Broadcasting Company.

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Good afternoon, folks! Do you recall that when last I spoke I mentioned the Food and Drug Administration had been responsible for the institution of certain seizures of worm infested fish; that the worms infested the fish at the time they were taken from the water. Further, I informed you that the Food and Drug Administration had requested the destruction of the fish since nobody wanted wormy fish, even though the worms may be harmless. The Government had to go to court in order to maintain its position with respect to this fish. Now the claimant for this material contended that raw or smoked fish of the nature of Tullibees, which they were, would not be injurious to health and to prove it, the witnesses ate portions of the infested fish in the court room. Their counsel held that the presence of the long white thread-like worms would not impair the taste of the fish. The court, however, in directing a verdict said in part: "The fact that most consumers would not discover the worms and would therefore not have their feelings afronted is of no consequence because were it otherwise the statute would not be needed. The statute is largely intended to protect those consumers who would not be in a position to observe the defect in the food." (The court decided they were adulterated under the Pure food and drug law.) I am certain that is a decision which will please most of us.

Some of my listeners who have heard me make reference to drug products as being misbranded, because of label claims being false and fradulent, have made inquiry as to just how it is determined that label claims are false and fraudulent. I believe the inquiry came from parties who in their own case had believed a particular medicine beneficial. It was therefore disturbing to them to learn that the product had later been adjudged misbranded and the subject of a court action. I think that it is appropriate that I tell you the Government first analyzes the product, determines its composition and then takes as its guide as to whether or not the product is misbranded, the consensus of modern reliable medical opinion as to whether the components of the particular remedy constitute a treatment for a particular disease. To illustrate, the medical profession today does not recognize any drug, nor combination of drugs as constituting a cure for cancer, tuberculosis, diabetes, Bright's Disease, penumonia, influenza, and many other serious diseases. Therefore, since cures or remedies for those diseases are unknown it is not difficult to determine that a preparation offered for the cure or successful treatment of such is falsely represented. Sometimes a particular article may have merit in the treatment of one particular disease but, in addition to that one, the manufacturer becomes enthusiastic and claims the product as beneficial for other diseases in the treatment of which the component parts of his medicine can have little or no value. For example, quinine, if present in sufficient amount, is a specific cure for Malaria and a

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Malaria cure or treatment containing adequate quinine could properly be labeled as a cure. However, if in addition the manufacturer presents it as a remedy for Lumbago, Yellow Fever, Jaundice, etc., the claims will exceed the limitations of his product.

At present there is no law to prevent anyone from entering the medicine business. It is the opinion of the Food and Drug Administration that any manufacturer who offers drug products for the cure or mitigation of serious diseases is fraudulently offering the same, if he is untrained in medicine and has not taken occasion to secure competent scientific advice.

Proof of fraud in the making of label claims or the exploitation of medicines is very difficult. Just recently in the trial of a manufacturer of an alleged diabetes cure, for which disease all skilled physicians will inform you there is no known cure, the Government lost its case. The court held that if the manufacturer had received testimonials to the effect that persons had been benefitted and believed the substance of those testimonials, he could not be held guilty of fraud in the labelling of his remedy, regardless of its ineffectiveness in the treatment of disease.

This decision clearly exemplifies one of the limitations of your Federal food and drugs act since under it a drug product may be falsely labeled as to its supposed curative effects yet the manufacturer is not penalized unless he can be proved to have made these false claims with full knowledge of their falsity. It seems that proprietary medicine manufacturers enjoy a privilege under the food and drugs act which is denied to food manufacturers. Where food is involved it is not necessary to prove intent of the manufacturer in the event he ships you a decomposed or otherwise adulterated or misbranded food product. The fact that he shipped in interstate commerce a food product bearing a false or misleading label constitutes the violation of law.

Now, my time is about up and I don't want to leave the impression with you that we are not accomplishing much in the control of falsely and fraudulently labeled medicines. In the enforcement of the National pure food and drug law, the Food and Drug Administration has removed from the market a very great number of medical preparations fraudulently labeled as being remedies for various diseases. Never a week goes by but sees new actions begun at some point.

Remember now, when buying drug products all you can have reason to believe appears upon the label of the package. You must discriminate between that and the advertising in circulars, periodicals, billboards and the like. Over such advertising the food and drugs act has no jurisdiction.

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